

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	22-CR-540 (VEC)
-against-	:	
	:	
JAMES GARLICK,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 20, 2023, the Court ordered standby counsel to continue to communicate the substance of all orders to Mr. Garlick via CorrLinks; *see* Order, Dkt. 127;

WHEREAS on June 21, 2023, legal counsel for the Metropolitan Detention Center (“MDC”) notified the Court that Mr. Garlick had refused to accept legal mail from the U.S. Attorney’s Office;

WHEREAS on June 23, 2023, standby counsel submitted a letter stating that Mr. Garlick had removed standby counsel from his approved CorrLinks contact list, *see* Letter, Dkt.

130¹; WHEREAS the Court scheduled a status conference for Wednesday, June 28, 2023 at 4:00 P.M. (the “Conference”) to ensure that Mr. Garlick was aware of the substance of all orders issued since the mistrial in this case on June 12, 2023 given his refusal to accept email communications from his standby counsel and mail from the U.S. Attorney’s Office;

WHEREAS in the morning of June 28, 2023, Mr. Garlick refused to attend the Conference because of a purported illness, without having a valid medical excuse;

¹ Mr. Garlick previously removed standby counsel from his approved CorrLinks contact list on May 25, 2023. *See* Letter, Dkt. 86. On May 31, 2023, the Court ordered Mr. Garlick to restore his CorrLinks communications with standby counsel. *See* Order, Dkt. 98.

WHEREAS the Court previously warned Mr. Garlick that if he refused to attend any proceeding without a valid medical excuse, the Court could find that his refusal to come to court constituted a withdrawal of his request to represent himself, *see* Order, Dkt. 85;

WHEREAS at the Conference, the Government indicated that counsel for the MDC had informed him that Mr. Garlick had refused two discovery productions, on May 23, 2023 and on May 27, 2023²; and

WHEREAS at the Conference, Mr. Garlick indicated that he refuses to accept any further document productions from the Government and requested a bond hearing;

IT IS HEREBY ORDERED that for the reasons stated at the Conference, the parties must appear for a bond hearing on **Wednesday, July 5, 2023 at 3:30 P.M.** in Courtroom 443, 40 Foley Square, New York, NY 10007. If Mr. Garlick refuses to attend the Conference, the Court will conclude that he has withdrawn his request for a bail hearing and will cancel the hearing.

IT IS FURTHER ORDERED that for the reasons stated at the Conference, not later than **Friday, June 30, 2023 at 5:00 P.M.**, Mr. Garlick must restore his CorrLinks communications with standby counsel so the Court can efficiently communicate Court orders to him. Standby counsel must file a letter with the Court not later than **Wednesday, July 5, 2023 at 12:00 P.M.** indicating whether Mr. Garlick complied with the Court's order. If Mr. Garlick fails timely to restore his CorrLinks communications with standby counsel, the Court may conclude that Mr. Garlick has forfeited his right to represent himself by failing to comply with Court Orders or may conclude that he has elected to take the risk that he will forfeit the ability to be heard on matters because he failed to comply with Court-ordered deadlines that he would have been aware of had he re-established CorrLinks communications as ordered.

² The Government brought hard copies of any printable discovery and a hard drive of any electronic discovery it had attempted to deliver to the Conference in case Mr. Garlick agreed to accept the materials at the Conference. Mr. Garlick indicated at the hearing that he did not want the discovery materials.

IT IS FURTHER ORDERED that for the reasons stated at the Conference, Mr. Garlick has waived his right to receive any future discovery materials;

IT IS FURTHER ORDERED that the Government is relieved of its obligation to deliver Court orders to Mr. Garlick by courier as set forth in the Court's Order at Docket Entry 67. The Government must continue to produce any discovery to Mr. Garlick's standby counsel.

IT IS FURTHER ORDERED that there will be a final pretrial conference in this case on July 20, 2023 at 10:00 A.M. If Mr. Garlick fails to attend court voluntarily, the Court will sign a force order to compel his attendance and may consider his refusal voluntarily to attend to constitute a withdrawal of his request to represent himself.

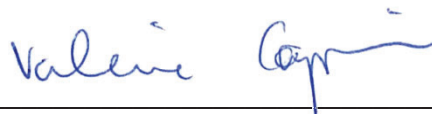
IT IS FURTHER ORDERED that jury selection and trial of this case will commence on July 24, 2023 at 10:00 A.M. If Mr. Garlick fails to attend court voluntarily, the Court will sign a force order to compel his attendance and may consider his refusal voluntarily to attend to constitute a withdrawal of his request to represent himself.

IT IS FURTHER ORDERED that the obligation of Mr. Garlick voluntarily to come to Court when scheduled and to maintain a CorrLinks connection with his standby counsel shall remain in effect until he is acquitted or, if convicted, sentenced.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Garlick and to note the mailing on the docket.

SO ORDERED.

Date: June 29, 2023
New York, New York



VALERIE CAPRONI
United States District Judge